

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK, DIVISION

FLAME S.A.,

Plaintiff,

GLORY WEALTH SHIPPING PTE. LTD.,

Consolidated Plaintiff.

Civil Action No. 2:13cv658-RGD-LRL

v.

INDUSTRIAL CARRIERS, INC., et al.,

Defendants.

VOLUNTARY DISMISSAL WITHOUT PREJUDICE

NOW COMES Interested Party and owner of the cargo aboard the attached vessel M/V CAPE VIEWER, Vitol S.A. (“Vitol”), by counsel, pursuant to Rule 41 and voluntary dismisses any intervening *in rem* action created by Vitol’s Motion to Intervene, without prejudice. Vitol previously moved this Court for permission to intervene to assert possible *in rem* claims against the vessel. (Docket No. 161). Vitol subsequently gave notice of its intention to not file an Intervening Complaint and to instead withdraw its Motion to Intervene (Docket No. 244). Vitol was instructed by the Court to instead file a dismissal under Rule 41. (Docket No. 248).

Rule 41(c), in conjunction with Rule 41(a)(1)(A)(i), provides that a claimant may voluntarily dismiss an action before an opposing party serves a responsive pleading. As Vitol has not filed or served a signed or verified complaint, no party has filed a responsive pleading. Accordingly, Vitol has the right to voluntarily dismiss whatever action may exist as a result of Vitol’s Motion to Intervene.

WHEREFORE, Vitol hereby gives notice under Rule 41 of dismissal of any action created by Vitol's Motion to Intervene.

VITOL S.A.

By: /s/ Mark T. Coberly
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of May, 2014, I electronically filed the foregoing with the Clerk of Court using the CMECF system, which will then send notification of such filing (NEF) to counsel of record.

By: /s/ Mark T. Coberly
Of Counsel

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